

TO: Clerk's Office  
 UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF NEW YORK



APPLICATION FOR LEAVE  
 TO FILE DOCUMENT UNDER SEAL

\*\*\*\*\*

UNITED STATES OF AMERICA

-v.-

PAUL MCFARLANE

25-MJ-78

Docket Number

\*\*\*\*\*

SUBMITTED BY: Plaintiff \_\_\_ Defendant \_\_\_ DOJ ☒

Name: Elizabeth D'Antonio

Firm Name: United States Attorney's Office - EDNY

Address: 271-A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-6416

E-Mail Address: elizabeth.d'antonio@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES \_\_\_ NO ☒

If yes, state description of document to be entered on docket sheet:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MANDATORY CERTIFICATION OF SERVICE:**

A.) \_\_\_ A copy of this application either has been or will be promptly served upon all parties to this action, B.) \_\_\_ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: \_\_\_\_\_; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

3/7/25

DATE

*Elizabeth D'Antonio*

SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: \_\_\_\_\_

Judge/Magistrate Judge: \_\_\_\_\_

Date Entered: \_\_\_\_\_

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

defendant at liberty

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,  
 AND MAY NOT BE UNSEALED UNLESS ORDERED BY  
 THE COURT.

DATED: Brooklyn, NEW YORK

March 7, 2025

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE \_\_\_\_\_  
 DATE

MWG:ED'A  
F. #2025R00126

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
----- X

UNITED STATES OF AMERICA

- against -

PAUL MCFARLANE,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

Vincent Belfiore, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

On or about January 24, 2023, within the Eastern District of New York and elsewhere, the defendant PAUL MCFARLANE, being an alien who had previously been deported and removed from the United States after a conviction for the commission of an aggravated felony, was found in the United States, without the Attorney General of the United States and the Secretary of the Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(a) and (b)(2))

**TO BE FILED UNDER SEAL**

**COMPLAINT AND AFFIDAVIT IN  
SUPPORT OF AN ARREST WARRANT**

(8 U.S.C. § 1326(a) and (b)(2))

Case No. 25-MJ- 78

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI") and have been involved in the investigation of numerous cases involving illegal reentry of aliens into the United States. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including relevant video surveillance, the defendant's immigration records, and the defendant's criminal history records; and from conversations with other law enforcement officers involved in the investigation.

2. The defendant PAUL MCFARLANE ("MCFARLANE") was born in Kingston, Jamaica, and is a citizen and national of Jamaica.

3. On or about July 9, 1999, MCFARLANE was admitted to the United States on a B-2 nonimmigrant visitor visa with authorization to stay in the United States for a temporary period not to exceed January 9, 2000. MCFARLANE remained in the United States after January 9, 2000, without authorization from Immigration and Naturalization Service.

4. On or about January 4, 2005, MCFARLANE was convicted, after a guilty plea, of criminal sale of a controlled substance in the fourth degree, in violation of New York Penal Law ("N.Y.P.L.") § 220.34(4). On or about February 1, 2005, MCFARLANE was sentenced to a term of five years' probation. On June 21, 2005, the defendant was resentenced to an eight-month term of imprisonment.

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. On or about March 23, 2005, an immigration judge ordered MCFARLANE removed from the United States. On or about August 18, 2005, MCFARLANE was deported to Jamaica.

6. On or about February 17, 2009, MCFARLANE was arrested in Bronx, New York for criminal possession of a weapon in the second degree. For this conduct, MCFARLANE ultimately pleaded guilty to attempted criminal possession of a weapon in the third degree, in violation of N.Y.P.L. §§ 110 and 265.02, and on or about May 14, 2012, he was sentenced to an indeterminate term of imprisonment of 1.5 to 3 years.

7. On or about March 16, 2011, MCFARLANE was convicted, after a guilty plea, of illegal reentry after having previously been convicted of an aggravated felony, in violation of 8 U.S.C. §§ 1326(a) and 1326(b)(2), in the United States District Court for the Southern District of New York and was sentenced to a term of imprisonment of 15 months.

8. On or about February 13, 2014, MCFARLANE was deported to Jamaica. While in United States Immigration and Customs Enforcement (“ICE”) custody prior to his February 13, 2014 deportation, ICE officers fingerprinted and photographed MCFARLANE.

9. On or about January 24, 2023, MCFARLANE was issued a summons by the New York City Police Department (“NYPD”) during a traffic stop in Queens, New York. The encounter was captured by the body worn camera of the NYPD officer conducting the traffic stop. I have reviewed this body worn camera footage and compared the individual depicted on body worn camera with the photograph of MCFARLANE taken at the time of his deportation in 2014, as shown below. Based on that comparison, I have probable cause to believe that both depict the same person: PAUL MCFARLANE.



*MCFARLANE in 2013*



*MCFARLANE in 2023*

10. A search of immigration records reveals that there exists no request by MCFARLANE for permission from either the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States after removal.

11. Because public filing of this document could result in a risk of flight by MCFARLANE, as well as jeopardize the government's ongoing investigation, I respectfully

request that this complaint, as well as any arrest warrant issued in connection with this complaint, be filed under seal.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant PAUL MCFARLANE, so that he may be dealt with according to law.

/s/ Vincent Belfiore

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Vincent Belfiore  
Special Agent  
United States Department of Homeland Security,  
Homeland Security Investigations

Sworn to before me by telephone this  
7<sup>th</sup> day of March:



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THE HONORABLE PEGGY KUO  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK

## UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

PAUL MCFARLANE

Case No. 25-MJ- 78

*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) Paul McFarlane,  
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment      ☐ Superseding Indictment      ☐ Information      ☐ Superseding Information      ☒ Complaint  
☐ Probation Violation Petition      ☐ Supervised Release Violation Petition      ☐ Violation Notice      ☐ Order of the Court

This offense is briefly described as follows:

(Title 8, United States Code, Section 1326(a) and (b)(2)) -illegal reentry

Date: March 7, 2025
  
 Issuing officer's signature
City and state: Brooklyn, NY
Hon. Peggy Kuo, USMJ  
 Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: PAUL MCFARLANE

Known aliases: ROYSTON HESLOP

Last known residence: 176-08 130th Avenue, Queens, NY

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

YES, FIREARMS HISTORY - LE BELIEF THAT MCFARLANE MAY BE ARMED

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: FBI/NYPD

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_